

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILER

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

DEC 31 9 35 AM '03

CLERK

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Civil Action No. 2:03-cv-345

THEODORE H. WEIMER, III )  
DIANNE R. WEIMER, )  
Plaintiffs )  
v. )  
DENA GRAY, PAULINE GRAY, individually )  
and d/b/a EASTSIDE RESTAURANT & PUB )  
Defendants )

COMPLAINT

NOW COME the Plaintiffs, Theodore Weimer and Dianne Weimer, by and through their attorneys, Langrock Sperry & Wool, LLP, and complain of the Defendant as follows:

1. Plaintiffs Theodore H. Weimer, III and Dianne R. Weimer, husband and wife, are residents and citizens of the Town of Amston, County of Tolland and State of Connecticut.
2. On information and belief, Defendant Dena Gray, is part owner of Eastside Restaurant & Pub and a citizen of Vermont.
3. On information and belief, Defendant Pauline Gray, is part owner of Eastside Restaurant & Pub and a citizen of Vermont.
4. Eastside Restaurant & Pub is a Vermont business that operates a restaurant and pub located at 47 Landing Street in Newport, Vermont.
5. The amount in controversy exceeds \$75,000.
6. As the owner of the aforesaid property, Defendant owed a duty to all foreseeable users of the property to provide safe premises. This duty included an

obligation to take reasonable steps to guard against dangers created by leaving the manhole cover off the sewage system located on the grounds.

7. On or about August 14, 2001, Plaintiff Theodore Weimer parked his vehicle in the Defendants' parking lot. Upon returning to his vehicle after his patronage at the restaurant, he opened the back of his vehicle and upon stepping back, fell in the uncovered manhole which had not been guarded against, in breach of the duty Defendants owed Plaintiff.

8. As a direct and proximate result of Defendants' breach, Plaintiff Theodore Weimer suffered severe bodily injury, and incurred substantial medical bills, lost income, and other damages, and Dianne Weimer, suffered a loss of her husband's consortium.

9. As a direct and proximate result of the negligence of Deanna Gray, Pauline Gray and Eastside Restaurant and Pub, Plaintiffs have:

- a. Undergone surgery;
- b. Incurred medical bills in excess of \$11,000;
- c. Incurred additional out of pocket expenses in excess of \$3,000;
- d. Will incur future medical expenses;
- e. Sustained permanent injuries;
- f. Incurred lost wages and will incur lost wages in the future; and
- g. Incurred, and will incur in the future, pain, suffering, mental anguish and mental distress.

WHEREFORE, Plaintiffs demand against Defendants compensatory damages, and such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs demand trial by jury.

DATED at Middlebury, Vermont this 30<sup>th</sup> day of December 2003.

LANGROCK SPERRY & WOOL, LLP



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